TEXAS
PARKS AND WILDLIFE DEPARTMENT
4200 Smith School Road • Austin, Texas 78744 • 512-389-4800

ANDREW SANSOM
Executive Director

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January 12, 1994

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Opinion Committee

RQ-662

Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Capitol Station
Austin, Texas 78711-2548

Re: Request for an Attorney General's Letter Opinion.

Dear General Morales:

Senate Bill 5 (General Appropriations Act of the Seventy-third Legislature, Regular Session), Article 5, Section 53 (copy enclosed), authorizes state agencies to purchase director's and officer's liability insurance for the, "agency's appointed commission or board members and executive management staff."

It is our plan to acquire such insurance and we have initiated inquiries into its availability and costs. More than one insurance company has offered full coverage for all agency employees at no additional cost over the costs for coverage of appointees and the highest levels of executive management. We have two questions related to this opportunity.

First, if such additional coverage can be obtained at no additional costs to the state, is it permitted by the scope of Section 53?

Second, whether or not such additional coverage is permissible, what level of management within the Department is insurable as "executive management staff" described by Section 53?

If you require any information on management responsibilities, duties, or compensation which can be of assistance in reviewing this request, please feel free to

contact the Department's General Counsel, Paul M. Shinkawa, at 389-4433.

Sincerely,

Andrew Sansom
Executive Director

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enclosure